

GAHC010080692024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./1167/2024

RAKIBUL ISLAM AND ANR.
S/O SURPAN HUSSAIN
VILL- DEORIKUCHI
P.S. BARPETA
DIST. BARPETA, ASSAM

2: MOINUL HOQUE
S/O FAYZAL HOQUE
VILL- RADHAKUCHI
P.S. BARPETA
DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

26.04.2024

Heard Mr. A. Paramanik, learned counsel for the accused and Ms. N. Das, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, Rakibul Islam and Moinul Hoque, who have been languishing in jail hazot since 19.03.2024 and 02.04.2024 respectively, in connection with Cyber Police Station (Panbazar) Case no. 07/2024 registered under Sections 420/406 of the Indian Penal Code, for grant of bail.

3. It is to be noted here that Cyber Police Station (Panbazar) Case no. 07/2024 has been registered on the basis of a First Information Report (FIR) lodged by one Rajesh Kumar Das on 19.02.2024. The allegation made in the FIR is to the effect that the informant invested a sum of Rs. 11.40 lakhs in a company named and style Pantheon Ventures, a U.K. based company launched in India and one Amit Sah is the Head of the aforesaid company and one Dia Verma is its Head Assistant. Later on, he has been cheated by the said company.

4. Mr. Paramanik, learned counsel for the accused submits that accused Rakibul Islam was arrested on 19.03.2024 and accused and Moinul Hoque was arrested on 02.04.2024 and since then, they have been languishing in jail hajot and considering the length of their detention, Mr. Paramanik has contended to allow the petition.

5. Whereas, Ms. Das, learned Additional Public Prosecutor has opposed the petition. Producing the concerned case diary, Ms. Das submits that materials were collected in support of the allegation against both the accused and therefore, she has contended to dismiss the petition.

6. Having heard the learned advocates of both sides I have gone through the petition as well as the documents. I have also gone through the case diary with the assistance of Ms. Das, learned Additional Public Prosecutor.

7. It appears that Rakibul Islam has been languishing in jail hajot since on 19.03.2024 and accused and Moinul Hoque has been languishing in jail hajot since 02.04.2024. Considering the period of detention and also considering the nature and gravity of the

offences as well as the materials collected so far in the case diary, further custodial detention of the accused, in the interest of investigation, seem to be not warranted herein in this case. Therefore, this Court is inclined to allow the petition.

8. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- (rupees fifty thousand) each only with one surety each of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, the accused namely, Rakibul Islam and Moinul Hoque, be enlarge on bail.

9. In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant